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June 2, 1981

BY HAND

Mr. Mark Cowan
Special Assistant for
Regulatory Affairs
Occupational Safety & Health
Administration
Department of Labor
Room S-2315
200 Constitution Avenue, NW
Washington, DC 20210

Dear Mr. Cowan:

How do you control members of the bureaucracy who seem to be operating freely within and without government and who seem to have made a decision and now are advocating a position rather than processing information for the appropriate policy decision-makers?

Enclosed are copies of two letters that we have recently received. One is addressed to us from Dr. Joel Bender, Chairman of the Medical Committee of the Formaldehyde Institute. The other is addressed to Dr. John Higginson of the International Agency for Research on Cancer from Dr. Peter Infante of OSHA. Both letters concern the recent IARC review of the toxicity of formaldehyde and its conclusion that no evaluation could be made of the carcinogenicity of formaldehyde to humans due to the insufficiency of the available data.


From this common point, the letters diverge. Despite the fact that Dr. Kang went to Lyons, France and fought for and obtained voting rights in the review process, Dr. Infante is displeased with IARC's conclusion and believes that the IARC working group ignored its own criteria for the evaluation of carcinogens. He requests IARC to reconsider its conclusion about formaldehyde and suggests that the NIOSH Current Intelligence Bulletin on Formaldehyde be used to support a new conclusion that formaldehyde is a carcinogen. Keep in mind that Drs. Infante and Kang were the primary "movers and shakers" behind the issuance of this bulletin, the credibility of which is seriously challenged in the attached letter from Dr. Harry Demopoulos.

Dr. Bender's letter concerns Dr. Infante and Dr. Kang and raises a question about Dr. Kang's participation in the IARC review of formaldehyde. The reason for his concern is the perceived bias against formaldehyde that both Drs. Infante and Kang have exhibited. Rather than approaching the issue of formaldehyde toxicity in a scientific, comprehensive and balanced way, these OSHA representatives have become advocates for the position that formaldehyde is a carcinogen. They support their position with preliminary, irrelevant, questionable or distorted studies and ignore numerous animal and human studies that contradict their argument. They then use their own writings or statements of others that they promoted to support their own conclusion. This seems to us to be the ultimate in circular logic. The Formaldehyde Institute questions whether it is appropriate for these government officials with an active predisposition towards government regulation of formaldehyde to insist on participation in an independent international scientific organization of the stature of IARC.

The Institute has asked us for suggestions to insure the independence of evaluations conducted by agencies such as IARC. Would you be so kind as to provide guidance as to OSHA's policies on these matters so that we might properly respond to our client?

Thank you for your assistance in this matter.

Sincerely,



S. John Byington

Enclosures

cc: James Ramey
Jack Murray
Joel Bender
Don Morgan